

Chapter 9.84**ALCOHOL USE PERMIT**

(2043-4/76)

Sections:

- 9.84.010 Purpose
- 9.84.020 Definitions
- 9.84.030 Application
- 9.84.040 Restriction on permits
- 9.84.050 Application--Approval
- 9.84.060 Application--Denial--Appeal procedure
- 9.84.070 Requirements
- 9.84.080 Prohibited activities

9.84.010 Purpose. The declared purpose of this chapter is to provide definitions and adopt uniform regulations for the use and consumption of beer and wine and similar alcoholic beverages within public buildings. Specifically excluded from this purpose is the use of distilled spirits. (2043-4/76)

9.84.020 Definitions. The following terms used in this chapter shall have the meanings indicated below:

- (a) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
- (b) "Alcoholic beverage" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wines or beer, and which contains one-half of 1 percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.
- (c) "Distilled spirits" means alcoholic beverage obtained by the distillation of fermented agricultural products, and includes the alcohol for beverage use, spirits of wine, whiskey, rum, brandy, gin, vodka, and including all dilutions and mixture thereof.
- (d) "Beer" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof in water, and includes ale, porter, brown, stout, lager beer, small beer and strong beer, but does not include sake, known as Japanese rice wine.
- (e) "Wine" means the product obtained from normal alcoholic fermentation of the juice of sound ripe grapes, or other agricultural products containing natural or added sugar or any such alcoholic beverage to which is added grape brandy, fruit brandy, or spirits of wine, which is distilled from the particular agricultural products of which the wine is made, and other rectified wine products, and by whatever name and which does not contain more than 15 percent added flavoring, coloring, and blending material and which contains not more than 24 percent of alcohol by volume and includes vermouth and sake, known as Japanese rice wine. (2043-4/76)

9.84.030 Application. Application for alcohol use permits shall be made to the City Administrator, in writing, signed by the applicant if an individual, or by a duly authorized agent thereof, if a club, organization, or corporation, and shall contain the following statements and information:

- (a) The name, age and address of the applicant in the case of an individual; in the case of a club, organization, or corporation, the names and addresses of the officers and directors of the club, organization or corporation;

- (b) The name of the facility the applicant seeks to occupy;
- (c) The date and hours of the occupancy;
- (d) The type of function planned for said hours and date;
- (e) The number of persons expected to attend such function;
- (f) The type of food and beverages expected to be served at such function.

A five dollar (\$5) nonrefundable application fee shall accompany each application.

Said application must be made forty-five (45) days in advance of the planned activity. Said application may be cancelled forty-eight (48) hours prior to the scheduled activity without forfeiture of fees collected, except application fee. (2043-4/76)

9.84.040 Restriction on permits. No such permit shall be issued to a person who is not of good character or reputation in the community in which he resides. (2043-4/76)

9.84.050 Application--Approval. Copies of the application made with the City Administrator shall be delivered to the Police Department and the Department Director in charge of the facility sought to be used. The Police Chief or said Department Director shall examine the application and shall deliver to the City Administrator within ten (10) days of receipt of the application a report containing any comments, possible schedule conflicts, and any suggestions for additional requirements of the applicant pertaining to the requested use.

The City Administrator shall inform the applicant within twenty (20) days of the receipt of the original application of his decision either to approve or deny the issuance of a permit. Upon making such decision he shall:

- (a) In the case of approval, notify the applicant in writing of the approval, inform him of any fees that shall be required, and provide him with a copy of Section 9.84.040 and 9.84.070 of this code.
- (b) In the case of denial, notify the applicant in writing of the denial, and provide him with a copy of Section 9.84.060 of this code. (2043-4/76)

9.84.060 Application--Denial--Appeal procedure. The procedure for appeal following the denial of an application is as follows:

- (a) Within seven (7) days after the receipt of the notice of denial the applicant shall file a notice of appeal with the City Clerk, addressed to the City Council, and stating their basis of the appeal.
- (b) The City Clerk shall schedule a hearing to be held within fifteen (15) days of the filing of the notice of appeal. The City Clerk shall cause the applicant to be given notice of the hearing by certified mail at least five (5) days in advance of the date of the hearing. The applicant, or his designated representative, may appear before the City Council, and make an oral presentation of the appeal, or he may make the appeal through a written statement, or he may do both. The City Council shall rule on the appeal within fifteen (15) days after it is heard and such ruling shall be final. (2043-4/76)

9.84.070 Requirements. The following requirements shall be met and shall be the responsibility of each person securing an alcoholic use permit:

- (a) A cleaning deposit in an amount determined by the City Administrator shall be deposited with the city treasurer at least forty-eight (48) hours prior to the scheduled activity.

- (b) A damage deposit, bond, or proof of insurance in an amount determined by the City Administrator shall be deposited with the city treasurer at least forty-eight (48) hours prior to the scheduled activity.
- (c) If a determination is made by the City Administrator, any Department Director, or the Chief of Police that extra labor shall be required at the activity, the cost of said labor shall be estimated and a like amount deposited with the city treasurer at least forty-eight (48) hours prior to the scheduled activity, according to the following rates:
 - (i) Custodian \$7.50 per hour per custodian.
 - (ii) Regular police officer \$11 per hour per officer.
 - (iii) Reserve police officer \$7.50 per hour per officer; and
 - (iv) Fire marshal \$11 per hour per marshal.
- (d) Proof of an alcoholic beverage control license shall be provided if alcohol is to be sold during the scheduled activity. (2043-4/76)

9.84.080 Prohibited activities. The following activities are hereby prohibited in connection with the issuance of any alcoholic use permit:

- (a) No beer, wine, or distilled spirits containing more than 24 percent of alcohol by volume shall be served.
- (b) No alcohol or alcoholic beverages shall be served to minors.
- (c) All minors must be accompanied by a parent, adult relative or legal guardian.
- (d) There shall be no concurrently scheduled youth activities in the same facility.
- (e) No alcohol or alcoholic beverages shall be served after 1 a.m.
- (f) No leftover food or beverages shall be allowed to remain on the premises.
- (g) There shall be no structural or electrical alterations to the premises occupied.
- (h) There shall be no use of decorations other than those approved by the Department Director responsible for the premises.
- (i) There shall be no removal or relocation of chairs, tables, or other furniture or equipment without written permission of the Department Director responsible for the premises.
- (j) No person except for a cleanup crew shall remain in the premises after 1:30 a.m.
- (k) There shall be no use of the premises other than noted in the permit. (2043-4/76)